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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

D.N.,

Plaintiff

v.

United States of America,

Defendant

Civil No. 09-6180-AA

RESPONSE TO UNITED STATES' MOTION TO
DISMISS AND ALTERNATIVE MOTION FOR
SUMMARY JUDGMENT

Pursuant to F.R.C.P 56(b)
Request for Oral Argument

Plaintiff D.N., by and through undersigned counsel and pursuant to Rules 56(b) of the Federal Rules of Civil Procedure hereby submits this Response to United States' Motion to Dismiss and Alternative Motion for Summary Judgment. Plaintiff asks this Court to deny United States' Motion to Dismiss and Alternative Motion for Summary Judgment for the reasons stated in Plaintiff's Memorandum in Opposition to the same, and for the reason that Plaintiff has stated a claim upon which relief may be granted. Said supporting Memorandum, a Concise Statement of

1 Material Facts, the Affidavit of Dan Ousley, and the Affidavit of Chris Hatfield are submitted
2 herewith.

3 Dated this 13th day of October, 2009.
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6 /s/ Chris Hatfield
Chris Hatfield, Attorney for Plaintiff D.N.
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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing RESPONSE TO DEFENDANT'S MOTION TO DISMISS AND DEFENDANT'S ALTERNATIVE MOTION FOR SUMMARY JUDGMENT has been made this 13th day of October, 2009, by placing copies in the United States Mail addressed to the following:

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/s/ Chris Hatfield
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